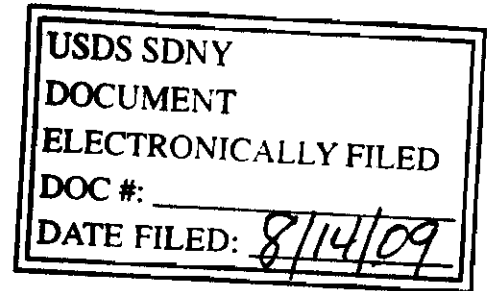


In Re: Methyl Tertiary Butyl Ether : Master File C.A. No.
("MTBE") Products Liability : 00 Civ. 1898 (SAS)
Litigation : MDL 1358

This document pertains to: :
City of New York v. Amerada Hess, :
et al., :
No. 04 Civ. 3417 :

JAMES C. FRANCIS IV
UNITED STATES MAGISTRATE JUDGE



The Court having reviewed the objections to designated portions of the deposition of Michael Roman dated March 28, 2007, the objections are determined as follows, except insofar as any relevance objections not explicitly ruled on are reserved for trial:

| <u>Tab</u> | <u>Pages/Lines</u> | <u>Ruling</u> |
|------------|--------------------|--|
| 1 | 51:21-52:14 | Overruled; the witness is not testifying to any out of court statement, and he is competent to testify as to the scope of the trainer's involvement. |
| 2 | 69:10-71:03 | Overruled; as a Rule 30(b)(6) witness, the witness can testify to information he gained during preparation; the questions are sufficiently clear; the witness is qualified to offer the opinions asked of him. |
| 3 | 76:14-76:23 | Overruled; as a Rule 30(b)(6) witness, the witness can testify as to corporate knowledge he gained during preparation. |
| 4 | 80:03-80:09 | Overruled; <u>see</u> ruling for Tab 3; questions are sufficiently clear. |
| 5 | 93:19-94:07 | Overruled; the question is sufficiently clear. |
| | 94:24-95:05 | Overruled; the witness is clarifying his answer. |

6 105:09-106:10 Overruled; the answer is responsive.
Case 1:00-cv-01898-VSB Document 2738 Filed 08/14/09 Page 2 of 3
7 107:22-108:13 Overruled; see ruling for Tab 6.
8 120:21-122:12 Overruled; the witness describes the
basis for his knowledge.
9 153:13-154:16 Overruled; see ruling for Tab 3.
10 157:02-157:20 Overruled; see ruling for Tab 3.
11 159:05-159:16 Overruled; the answer is responsive.
12 160:21-161:02 Overruled; the answer is responsive.

SO ORDERED.


JAMES C. FRANCIS IV
UNITED STATES MAGISTRATE JUDGE

Dated: New York, New York
August 14, 2009

Copies mailed this date:

Susan E. Amron, Esq.
Environmental Law Division
New York City Law Department
100 Church Street
New York, New York 10007

Victor M. Sher, Esq.
Joshua Stein, Esq.
Sher Leff LLP
450 Mission Street, #400
San Francisco, CA 94105

Robert S. Chapman, Esq.
Greenberg Glusker LLP
1900 Avenue of the Stars, 21st Floor
Los Angeles, CA 90067

Peter John Sacripanti, Esq.
James A. Pardo, Esq.
Stephen J. Riccardulli, Esq.
McDermott Will & Emery LLP
340 Madison Avenue
New York, New York 10173

Case 1:00-cv-01898-VSB Document 2738 Filed 08/14/09 Page 3 of 3
Anthony A. Bongiorno, Esq.
McDermott Will & Emery LLP
28 State Street
Boston, MA 02109

Jennifer Kalnins Temple, Esq.
McDermott Will & Emery LLP
18191 Von Karman Avenue, Suite 500
Irvine, CA 92612-7108

William Stack, Esq.
Exxon Mobile Corporation
P.O. Box 2180
Houston, TX 77252